

## **REMARKS/ARGUMENTS**

The present Amendment is responsive to the final Office Action mailed December 23, 2008 in the above-identified application. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Claims 4, 8 and 13 are hereby canceled without prejudice or disclaimer. Therefore, claims 1-3, 6, 7, 9-12 and 14 are the claims currently pending in the application.

Claims 1, 6, 9 and 12 are amended to clarify features recited thereby. These amendments are fully supported by applicant's disclosure.

### ***Rejection of Claims 1-3 and 6-14 under 35 U.S.C. § 103***

Claims 1-3 and 6-14 are rejected under 35 U.S.C. § 103 as being obvious from Messerly, (6,325,811) in view of Steinweg et al. (6,732,617). Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of Applicant's invention as claimed in independent claims 1, 6, 9 and 12, a replaceable structure for the tip of the ultrasonic operating apparatus is provided, such that when the tip is worn or deteriorated due to repetitive use it is sufficient to replace the tip without having to replace the entire operating unit. Thus, costs for maintaining medical procedure apparatus supplies can be reduced. Further, the tip can be advantageously replaced and inserted simply by inserting the tip in the attachment portion of the unit.

Claim 1 requires an ultrasonic operating apparatus including support shaft portions of the jaw body protruding inward from the respective distal end portion of the two supporting arms, taper surfaces for movement such that the space between respective support shaft portions are the two supporting arms widens toward the mounting holes, and click step portions formed in portions to be connected to the mounting holes and for preventing the support shaft portions from slipping out of the mounting holes.

The Office Action acknowledges that Messerly does not disclose a jaw body including supporting arms and a joint portion removably coupling the tip between the supporting arms of

the jaw body (Office Action, page 3), however, the Office Action alleges that Steinweg discloses such features.

Steinweg discloses a replaceable tool tip, such as a household implement, for example, a screwdriver-type handle (Steinweg, column 5, lines 3-7), in which a locking pin is located on a transverse opening in the end of the tool (Steinweg, Abstract). Steinweg discloses that a locking keeper 40 is formed on the second end 38 of the body 34 (Steinweg, column 3, lines 49-50), and that the tip is connected such that the tip is inserted into sleeve 30' and such that the locking keeper 40 extends into the hollow end of the tip 12 of the handle. Steinweg discloses that, when thus inserted, the tapered nose forces the locking pin 22 to move laterally within the transverse opening 20 and to flex one of the finger springs 50 outwardly to allow further insertion of the replaceable tip 12 until it is inserted sufficiently and the mid-portion 24 of locking pin 20 is received in the slot 46 between bifurcated legs 42, such that first end 26 of the locking pin 22 abuts a portion of protrusion 44 and prevents removal of the replaceable tip 12 (Steinweg, column 4, lines 44-54). To remove the tip 12 for replacement with a tip having a different work member, pressure is applied to finger spring 50 which is flexed outwardly, and this pressure is transmitted to the shorter end 28 of locking pin 22 so that the locking pin 22 is removed laterally within transverse opening 20 until protrusion 44 no longer abuts the longer end 26 of locking pin 22 (Steinweg, column 4, lines 55-64).

Steinweg does not disclose or suggest the above-cited features of claim 1. More generally, Steinweg does not provide for the easy attachment of the tip to the support arm and the convenient removal of the tip once attached as facilitated by the above-cited features of claim 1. Accordingly, the cited art does not disclose or suggest recitations of claim 1.

Claim 6 requires that the seizing portion is released from the locked state by means of the dedicated tool.

Steinweg discloses that a sleeve 30 is used to remove a replaceable tip. Steinweg discloses that to remove the tip 12 for replacement with a tip having a different work member, pressure is applied to finger spring 50 which is flexed outwardly, and this pressure is transmitted to the shorter end 28 of locking pin 22 so that the locking pin 22 is removed laterally within

transverse opening 20 until protrusion 44 no longer abuts the longer end 26 of locking pin 22 (Steinweg, column 4, lines 55-64). Steinweg discloses that a locking keeper 40 extends in the hollow end of the tip of the handle.

Steinweg does not disclose or suggest the above-cited recitation of claim 6. Accordingly, Steinweg does not disclose or suggest that a relatively small part, like the seizing portion can be released safely, conveniently and reliably, as made possible by the above-cited feature of claim 6. Therefore, the cited art does not disclose or suggest the recitations of claim 6.

Turning to claim 9, Applicant notes as follows, without intending to limit the scope of the claims, according to an aspect of Applicant's invention as claimed in claim 9, the operating unit attached to the ultrasonic operating apparatus is replaceable with a first operating unit replacing member (or a second operating unit replacing member), as necessary, so that a number of sets of ultrasonic operating members are replaceable with one another for use with the ultrasonic operating apparatus. Accordingly, the vibrator unit and the handle unit of the ultrasonic operating apparatus can be used in common with a number of sets of ultrasonic operating members. Therefore, when ultrasonic operating members are replaced with one another, the number of parts of the operating tool system as a whole can be reduced, thus reducing operating costs for the system.

Claim 9 requires an operating unit replacing member assembled to be replaceable with the operating unit, the operating unit replacing member having a seizing member in a shape corresponding to a distal end allowance portion of the probe unit replacing member, wherein corresponding parts between the probe unit replacing member and the operating unit replacing member are selectively mountable on the ultrasonic operating apparatus main body.

The cited art, including Steinweg and Messerly do not disclose or suggest the above-cited features of claim 9.

Claim 12 requires that in the locking unit, the seizing portion assembled with the jaw is removable from the jaw by using a dedicated tool.

As discussed with reference to claim 6, the cited art does not disclose or suggest such features.

Claims 2 and 3 depend from claim 1, claim 7 depends from claim 6, claims 10 and 11 depend from claim 9 and claim 14 depends from claim 12. Accordingly, claims 2, 3, 7, 10, 11 and 14 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims. Claims 8 and 13 are canceled without prejudice or disclaimer and therefore the rejection is moot as to these claims.

***Rejection of Claim 4 under 35 U.S.C. § 103***

Claim 4 is rejected under 35 U.S.C. § 103 as being obvious from Messerly and Steinweg in view of “reversal of parts.” Claim 4 is canceled without prejudice or disclaimer and therefore the rejection is moot.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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